IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Civil Transfer Application No. 27 of 2007.

Uttarakhand Jal Vidyut Nigam Ltd. through Executive Engineer, Small Hydro Projects, Maneri, Uttarkashi.

….Applicant.

Vs

1. District Judge, Uttarkashi.
2. M/s Rapti Contractors, 205 Maktupluri, Roorkee.

…..Opposite Parties.

Sri Vinay Kumar, learned counsel for the applicant.
Learned Addl. C.S.C. for the O.P. no.1.
Sri S.K.Jain, learned counsel for the Opposite Party No.2

Date December 18, 2007

P. C.: Hon'ble B.S. Verma, J.

This transfer application has been filed by the petitioner for transfer of Arbitration (Misc.) Case No. 16 of 2007 M/s Rapti Contractors Vs. Uttaranchal Jal Vidyut Nigam Ltd. pending in the court of the District Judge Uttarkashi to the court of the District Judge Dehradun, on the ground that the applicant had already filed objection against the arbitral award dated 28-5-2007 under Section 34(1) of the Arbitration and Conciliation Act, 1996 (*for short the Act*) in the Court of the District Judge Dehradun. According to the petitioner, the objection of the applicant has been registered as Original Suit No. 58 of 2007. The counter claim of the applicant was rejected by the learned Arbitrator against the same award, while the claim of the Opposite Party No.2 was also rejected by the learned Arbitrator and the opposite party-M/s Rapti Contractors has filed objection against the same award dated 28-5-2007 in the court of the District Judge, Uttarkashi instead of filing the same in the Court of the District Judge, Dehradun.

Learned counsel for the applicant has raised a ground in the transfer application that it is the learned District Judge Dehradun alone who has jurisdiction to entertain objections under Section 34(1) of the Act.

In my view, this question can be decided by the competent court before which the objection is pending for consideration. The petitioner may approach to the court concerned and he may raise the question of jurisdiction of the Court and maintainability of objection against the award dated 28-5-2007 before the same and the court concerned shall decide the question of jurisdiction.

With the said observation, the transfer application is rejected.

All applications stand disposed of.

(B.S. Verma, J.)

RCP